



AMENDMENT "A"

SP 135

#5
N.L.
12-15-88

APPLICANT: Frank T. Keyser

SERIAL NO.: 137,182 Group Art Unit: 137

DATE FILED: December 23, 1987 Examiner: N. McCarthy

INVENTION: "METHOD AND APPARATUS FOR IN-MOLD
LABELING OF A BLOW MOLDED ARTICLE"

Hon. Commissioner of Patents and Trademarks

Washington, D.C. 20231

Sir:

In response to the Office Action dated October 28, 1988,
applicant hereby amends as follows:

Applicant provisionally elects the claims of Group I
including Claims 1, 4-17 inclusive, and 19, which provisional
election is made with traverse since it is submitted that all of
the claims of all four groups are closely related and should be
examined in the same application.

First of all, comparing the claims of Groups I and II,
apparatus and method respectively, it will be noted that both
claims emphasize the novel concept of intersecting two closed
circuits at a matched segment and moving the mold parts and the
carriage through the matched segment in unison at zero relative
velocity, thereby to transfer one or more labels from the
carriage to a corresponding mold part during the unison movement
through the matched segment. Under the circumstances, in order
to adequate search the apparatus claims of Group I, the Examiner
will have to conduct his search through the classification of
what the Examiner has identified as the most pertinent class for
the method claims of Group II, namely Class 264, subclass 509.
Moreover, vice versa, to adequately search the method claims of

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Group II, the Examiner will have to search the machine art of Class 425, subclass 505 identified as the most pertinent class for the claims of Group I. Thus, the close interrelationship of the inventive concept which forms the basis of both the claims of Groups I and II strongly requires that both types of claims, apparatus and method, be presented in a common application, thereby to avoid any double patenting problems and also to afford the applicant the broadest possible protection on his invention, whether defined in terms of apparatus or defined in terms of method.

There is no compelling reason to separate out the claims of Group III and Group IV either because the Examiner has already identified both the claims of Groups III and IV as merely subcombinations of the combination defined in Group I. As a matter of fact, it is noted that the classification referred to by the Examiner in discussing Group III is Class 271, subclass 5 while the classification discussed in connection with Group IV is Class 271, subclass 9. It is submitted that it is entirely reasonable for an Examiner to conduct his search in more than one subclass of a single class rather than to require an applicant to file multiple applications directed to a single invention which is of sufficient novelty to support claims of varying scope.

It will be noted that the claims of Group III have many elements in common. For example, Claim 1 of Group I defines the guide track means as well as plural carriages while Claim 20 also defines the utilization of guide tracks means and trolleys.

Claim 1 further defines driving means for simultaneously and synchronously driving the wheel and carriages through a discrete distance at zero relative velocity while Claim 20 defines the utilization of means comprising a matching segment

positioned between an arc segment through which the mold pairs move in their open position.

Both claims emphasize that the label engagement assemblies and the labels move through the matching segment at zero relative velocity with respect to the mold parts for positioning the labels within the mold cavities. Accordingly, the two groups of claims are not only linked as acknowledged by the Examiner as combination and subcombination, but the inventive novelty emphasized in both groups of claims requires that a thorough and complete examination of the art cover both fields of search and both the allowance of combination claims and subcombination claims is reasonable in the same application.

In like manner, the claims of Group IV have also been identified by the Examiner as a subcombination of the claims of Group I and it will be noted that Claims 35, 36, 37 and 38 all define details of a suction cup arrangement which is broadly defined as label suction means in Claim 1. Under the circumstances, the applicant should be entitled to define such common features in terms of different scope within a single application without being exposed to the necessity of filing duplicate applications on different subcombinations of the same invention, particularly when such duplicate applications are most likely to be examined by the same Examiner and searching in the same field of art.

In view of such common relationship between the claims and the subject matter and in view of the close relationship of the pertinent prior art which is all in the same art group and readily available to the Examiner to which this case is assigned, it is submitted that the requirement for restriction should be withdrawn and examination on the merits of all four groups of claims should proceed in this same application.

For the reasons given in detail hereinabove, it is submitted that all of the claims are so closely related that restriction for examination purposes should be vacated.

Respectfully submitted,

James Van Santen

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Amendment "A"
November 28, 1988

Application of **Frank T. Keyser**

Serial No. **137,182**

Filed **December 23, 1987** Group Art Unit: **137**

For **"METHOD AND APPARATUS FOR
IN-MOLD LABELING OF A BLOW
MOLDED ARTICLE"** Examiner: **N. McCarthy**

THE COMMISSIONER OF PATENTS
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

No additional fee is required.

The fee has been calculated as shown below.

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
TOTAL CLAIMS	* 38	MINUS	** 38	X 0	() X 6.00 () X 12.00	0
INDEP. CLAIMS	* 10	MINUS	10	X 0	() X 17.00 () X 34.00	0
Application amended to contain any multiple dependent claims not previously paid for.				() YES () NO	() \$55.00 () \$110.00 ONE TIME	0
				TOTAL ADDITIONAL FEE FOR THIS AMENDMENT ▶		0

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

An extension of time covering _____ month(s) is requested and a check in the amount of \$_____ is attached for this extension.

A check in the amount of \$_____ is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 08-2290. A duplicate copy of this sheet is enclosed.

When phoning re this application, please call 312/876-0200 —Ext. **339**

HILL, VAN SANTEN, STEADMAN & SIMPSON

A Professional Corporation

BY James Van Santen

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on November 28, 1988.

DATE

James Van Santen

NAME OF APPLICANT'S ATTORNEY

James Van Santen

SIGNATURE

November 28, 1988

DATE